

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>JAMES ARMSTRONG, Inmate #A81969,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 06-354-DRH</b>
	)	
<b>ERIC PLOTT, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**HERNDON, District Judge:**

This action was initiated by Plaintiff on May 4, 2006, with the filing of a 42 U.S.C. § 1983 complaint. On May 8, 2006, the Court issued an order denying Plaintiff's request to proceed *in forma pauperis* because of his "three strikes" status, pursuant to 28 U.S.C. §1915(g). The Court ordered Plaintiff to pay the full filing fee of \$350 within 15 days or the case would be closed. Plaintiff responded to the Court's order with a letter in which Plaintiff states that he does not have the monies to pay the full filing fee (Doc. 5). He also states "I do have a lawsuit pending I'll just amend it and add this suit if the court wont allow me to pay installments."

The Court believes that Plaintiff intended this letter to be a motion to voluntarily dismiss the present action. If this is correct and the Plaintiff wishes to voluntarily dismiss the case, he must inform the Court in writing within 15 days that he wishes to do so. In the event that Plaintiff does not reply, the action will be dismissed for failure to comply with an order of this Court. FED.R.CIV.P. 41(b); *see generally* *Ladien v. Astrachan*, 128 F.3d 1051 (7<sup>th</sup> Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7<sup>th</sup> Cir. 1994).

**IT IS SO ORDERED.**

**DATED: June 5, 2006**

/s/ David RHerndon  
**DISTRICT JUDGE**